



City of Marietta

205 Lawrence Street
Post Office Box 609
Marietta, Georgia 30061

Meeting Minutes PLANNING COMMISSION

*Bob Kinney - Chairman
Kent Rosenbury, Ward 1
Frasure Hunter, Ward 2
Hicks Poor, Ward 3
Roy Vanderslice, Ward 4
Brenda McCrae, Ward 5
Stephen Diffley, Ward 7*

Tuesday, February 2, 2016

6:00 PM

City Hall Council Chambers

*Present: Bob Kinney, Kent Rosenbury, Frasure Hunter, Hicks Poor, Roy Vanderslice, Brenda McCrae
and Stephen Diffley*

*Brian Binzer, Development Services Director
Rusty Roth, Planning & Zoning Manager
Shelby Winkles, Zoning Administrator
Daniel White, City Attorney
Ines Embler, Secretary to the Board*

CALL TO ORDER & ROLL CALL:

Chairman Kinney called the February 2, 2016 Planning Commission Meeting to order at 6:00PM.

Mr. White, City Attorney, explained the rules and procedures used in conducting the public hearings.

MINUTES:

20160053 January 5, 2016 Regular Planning Commission Meeting Minutes

Review and Approval of the January 5, 2016 Regular Planning Commission Meeting Minutes.

Mr. Diffley made a motion, seconded by Mr. Poor to recommend approval as submitted. The motion carried 7 0 0.

Approved and Finalized

**Absent: 0
Vote For: 7
Vote Against: 0**

REZONINGS:**20160015****Z2016-02 [REZONING] CARY MCCALLUM**

Z2016-02 [REZONING] CARY MCCALLUM is requesting the rezoning of property located in Land Lot 1141, District 16, Parcels 0280 & 0260, 2nd Section, Marietta, Cobb County, Georgia, and being known as 303 & 309 Austin Avenue from R-4 (Single Family Residential - 4 units/acre) to CRC (Community Retail Commercial). Ward 5B.

File number Z2016-02 was presented by Mr. Roth for a request to rezone property located at 303 & 309 Austin Avenue from R-4 (Single Family Residential-4 units/acre) to CRC (Community Retail Commercial).

A public hearing was held.

Mr. Cary McCallum, the applicant, is requesting to rezone property located at 303 & 309 Austin Avenue from R-4 (Single Family Residential-4 units/acre) to CRC (Community Retail Commercial) in order to continue operating his small business on the premises.

There was no opposition to this request.

Mr. Vanderslice asked if he had a business license from the City of Marietta. Mr. McCallum said he does not and stated that he has a business license from Cobb County but was not aware that he also needed one from the City.

Mr. Vanderslice asked how many employees does he currently have and if both houses are rented. Mr. McCallum stated that he has seven (7) employees and that at the moment neither of the houses are occupied.

Mr. Rosenbury asked how long he has been in business and if he is aware that he is operating a business on residential zoned property and if he understands that if the property is rezoned to commercial (CRC) he would not be allowed to have tenants living in the houses. Mr. McCallum said he has been in business since 2008 and that he was told by Code Enforcement years ago that as long as the business was small and he kept a low profile it would not be a problem. He affirmed that he understood he cannot lease the properties for residential use if they are rezoned to CRC.

Mr. Rosenbury asked for an explanation of specifically what type of landscape business he owns. Mr. McCallum explained that he is a niche specific small business who only operates seasonally, during the Fall and in the Spring and performs about 2-4 jobs per day. His business consists of aerating a yard and putting sand on it; there is no maintenance associated with it. He stated that he does not store sand on site, only equipment.

Mr. Kinney asked about his relationship with the rest of the commercial property that's on that corner and if he is part of an assemblage for the rest of that property and if that sale would depend on him having commercial zoning. Mr. McCallum stated that there is an assemblage in place and that it's done by Atlanta Land Group. He explained that there is a whole area out there that has agreed to sell their land as an assemblage but that it has been over a year and nothing has happened, therefore he is ready to move on. He stated that being rezoned to commercial would not impact the assemblage in any way.

Mr. Kinney asked him to address the 40' buffer on the western side. Mr. McCallum explained that he has an 8'-12' landscape buffer so his neighbors cannot see in to his property. Mr. Kinney asked staff about the requirements for a 40' buffer and other requirements pertaining to a commercial zoning and staff explained satisfactorily.

Mr. Vanderslice asked staff to confirm that if he operates a business in the City limits, he does need a business license from the City and staff affirmed. Mr. McCallum understood he needs to get a business license from the City.

Ms. McCrae asked if there are people living in the house next to his property at 303 Austin Avenue and Mr. McCallum said that there were residents there at one time but does not know if anyone currently lives there.

The public hearing was closed.

Mr. Rosenbury made a motion, seconded by Mr. Diffley to recommend approval as submitted with the stipulation that the landscaping business be limited to aeration and top dressing and to include the following three (3) variances. The motion carried 4-3-0. Mr. Poor, Mr. Vanderslice and Ms. McCrae opposed.

Variances:

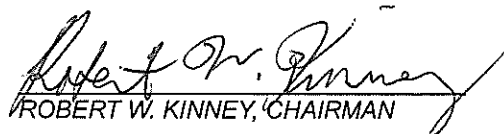
1. Allow the use of business within 100 feet from any property zoned single family residential.
2. Allow company vehicles and equipment to use the existing gravel driveway and to be parked on the existing gravel area to the rear of the property.
3. Allow the existing primary structure to remain within the 40' buffer against the residential zoning district. This variance would be for the existing primary structure only and would voided if the property is redeveloped.

Recommended for Approval as Stipulated

Absent: 0
Vote For: 4
Vote Against: 3

ADJOURNMENT:

The February 2, 2016 Planning Commission Meeting adjourned at 6:31 PM.


ROBERT W. KINNEY, CHAIRMAN


INES EMLER, SECRETARY

